

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
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PAUL BASS-LEVITIN,

Plaintiff,

-v-

EXPERIAN INFORMATION SOLUTIONS, INC. et al.,

Defendants.
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20-cv-430 (LJL)

ORDER

LEWIS J. LIMAN, United States District Judge:

Plaintiff filed this action against defendants Experian Information Solutions, Inc. (“Experian”), Transunion (of Delaware), LLC, Equifax Information Services, LLC (“Equifax”), Barclays Bank Delaware (“Barclays”), Discover Financial Services, Inc. and JP Morgan Chase Bank NA (“Chase”). *See* Dkt. No. 1. On March 6, 2020, the Court signed a stipulation between Plaintiff and Discover Bank (sued as Discover Financial Services, Inc.) to submit Plaintiffs’ claims against Discover Bank to arbitration and stay the action against that defendant pending the conclusion of the arbitration. Dkt. No. 28. On June 5, 2020, the Court signed a stipulation between Plaintiff and Barclays to submit Plaintiffs’ claims against Barclays to arbitration and stay the action against Barclays pending the conclusion of the arbitration. Dkt. No. 44.

Plaintiff thereafter filed a notice of settlement of Plaintiffs’ claims against Equifax, Dkt. No. 48, against Experian, Dkt. No. 53, and against Chase, Dkt. No. 55. The Court then signed and entered a stipulation and order of dismissal with prejudice resolving the claims Plaintiff brought against Trans Union, LLC (sued as Transunion (of Delaware) LLC), Dkt. No. 58, and a stipulation and order of dismissal with prejudice resolving the claims Plaintiff brought against Discover, Dkt. No. 62. Plaintiff has also filed on the docket a stipulation of voluntary dismissal with prejudice against Experian, Dkt. No. 57, which was referred by the Clerk’s Office to the Court for approval because it did not dismiss all of the parties or the action in its entirety. Chase also filed a proposed stipulation and order dismissing all of the claims by Plaintiff against Chase, with prejudice, Dkt. No. 61. Because the stipulations of dismissal against Experian and Chase have not yet been approved by the Court, these defendants are still listed as defendants in this matter.

The stipulations of dismissal against Experian and Chase stated that they were made pursuant to Federal Rule of Civil Procedure 41(a). *See* Dkt. Nos. 57, 61. Rule 41 addresses dismissal of actions rather than dismissal of parties. Treating the application as addressed to the Court’s power under Rule 15 or Rule 21 or its inherent power, the Court dismisses the complaint as against defendants Experian and Chase with prejudice and with each party to bear their own

costs and fees.

There has been little activity on the docket in over a year. It is hereby ORDERED that Plaintiff shall file any motion to dismiss or stipulation of dismissal with respect to its claims against Experian by July 13, 2022. It is further ORDERED that counsel for Plaintiff and counsel for Barclays shall submit a joint status update by July 13, 2022 informing the Court of the status of the arbitration between them and shall submit a status update every 60 days thereafter.

The Clerk of Court is respectfully directed to terminate defendants Experian Information Solutions, Inc. and JP Morgan Chase Bank NA.

SO ORDERED.

Dated: June 29, 2022
New York, New York

A handwritten signature in black ink, appearing to read 'L. Liman', is written over a horizontal line.

LEWIS J. LIMAN
United States District Judge